

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

KISS ELECTRIC, LLC

and

INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS, LOCAL
UNION #98

Cases 04-CA-164351
04-CA-166954
04-CA-180051

ORDER

The General Counsel's request for special permission to appeal the December 6, 2016 ruling of Administrative Law Judge Ira Sandron approving an informal settlement agreement is granted. On the merits, the appeal is denied. The General Counsel has failed to establish that the judge abused his discretion in approving the settlement entered into by the Respondent and the Charging Party, over the objections of the General Counsel.¹

Dated, Washington, D.C., June 27, 2017

PHILIP A. MISCIMARRA, CHAIRMAN

MARK GASTON PEARCE, MEMBER

LAUREN McFERRAN, MEMBER

¹ As the judge found, the correct standard for evaluating settlements between two or more parties is the standard set forth in *Independent Stave*, 287 NLRB 740, 743 (1987). *United States Postal Service (Postal Service)*, 364 NLRB No. 116 (2016), cited by the General Counsel, applies only to situations involving a resolution of a case proffered by a respondent over the objections of the General Counsel and the charging party, which is in the nature of a consent order. Chairman Miscimarra dissented in *Postal Service*, 364 NLRB No. 116, slip op. 4-8, stating that in his view, the *Independent Stave* standard should continue to be applied when evaluating such consent settlement agreements. In any event, he agrees that here, the judge correctly applied the *Independent Stave* standard to the informal settlement agreement agreed to by the Respondent and the Charging Party.